

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, May 17, 2007**

Invocation: Bishop-Elect Sid Johnson, Higher Dimension Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, May 17, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:17 a.m.

The Mayor asked Council Members to report on upcoming agenda items. No upcoming items were mentioned.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Kim's motion, Council Member Leffingwell's second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of May 3, 2007. The minutes from the meeting of May 3, 2007 were approved.
2. Approve an ordinance authorizing negotiation and execution of a second amendment to the existing Water Cost Reimbursement Agreement with Lennar Buffington Zachary Scott, L.P. to change the cost reimbursement payment schedule for both Phase One and Phase Two on the construction of a 24-inch water main and appurtenances with a cost not to exceed \$3,428,000 to provide water service to the Zachary Scott Tract located in the south corner of the Old Lockhart Highway and Bradshaw Road; and to waive the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payments. No impact to the Capital Budget of the Austin Water Utility. To be reviewed by both the Water and Wastewater Commission and the Environmental Board on May 16, 2007. Recommended by the Water and Wastewater Commission.
Ordinance No. 20070517-002 was approved.
3. Approve an ordinance authorizing negotiation and execution of an amendment to the existing Wastewater Cost Reimbursement Agreement with Lennar Buffington Zachary Scott, L.P., to increase the amount of City cost reimbursement for construction of an 18-inch and 30-inch wastewater main and appurtenances to provide wastewater service to the Zachary Scott Tract located in the south corner of the Old Lockhart Highway and Bradshaw Road intersection for a new total actual construction cost for wastewater improvements not to exceed \$3,696,000, and for the professional services costs for engineering, design and project management only for the original design, the aerial crossing design and the new wastewater tunnel alignment in an amount not to exceed \$774,999, and cost reimbursement of the pump and haul operations in an amount not to exceed \$150,000, increasing the original Council approval amount by \$3,287,259 for a new overall total amount not to exceed \$4,620,999; and waiving the requirements of Section 25-9-63 of the City Code relating to amount of cost reimbursement, waiving the requirements of

Section 25-9-67 of the City Code relating to the schedule for cost reimbursement payments. Funding in the amount of \$3,287,259 is included in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. To be reviewed by both the Water and Wastewater Commission and the Environmental Board on May 16, 2007. Recommended by the Water and Wastewater Commission and the Environmental Board

Ordinance No. 20070517-003 was approved.

4. Amend the Fiscal Year 2006-2007 Department of Aviation Capital Budget of Ordinance No. 20060911-002 to appropriate \$1,750,000 for the Baggage Handling System Improvements and the Security System Upgrade. Funding is available in the Fiscal Year 2006-2007 Capital Fund of the Department of Aviation. Recommended by the Airport Advisory Commission.

Ordinance No. 20070517-004 was approved.

5. Authorize acceptance of grant funds in the amount of \$71,147 from the United States Federal Emergency Management Agency, Department of Homeland Security, Assistance to Firefighters Grant Program for Fire Prevention and Safety; and amend the Fiscal Year 2006-2007 Austin Fire Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$71,147 for the purpose of purchasing smoke alarms and publicizing the availability of these resources to a targeted population. Funding is available from the Federal Emergency Management Agency (FEMA), Department of Homeland Security, Assistance to Firefighters Grant Fire Safety and Prevention Program. An in-kind match of \$17,787 is required and available in the Austin Fire Department Fiscal Year 2006-2007 Operating Budget. The grant period is April 13, 2007 to April 12, 2008. There is no unanticipated fiscal impact.

Ordinance No. 20070517-005 was approved.

6. Approve an amendment to the professional service agreement with Andrews Kurth, L.L.P., Austin, TX, in an amount not to exceed \$170,000, for a total contract amount not to exceed \$340,000, for legal counsel related to the City's Minority-Owned and Women-Owned Business Enterprise Program (MBE/WBE), including an updated availability and disparity study of minority-owned and women-owned businesses. Funding is available in the Fiscal Year 2006-2007 Operating Budgets of various General Fund and Enterprise Fund Departments.

The motion authorizing an amendment to the professional service agreement was approved.

7. Authorize negotiation and execution of an amendment to an outside counsel contract with Cox Smith Matthews, San Antonio, TX, for legal services related to City of Austin v. Harry M. Whittington, et al.; Cause No. 2403 in the County Court at Law No. 1 in Travis County, Texas, in an amount of \$50,000, for a total contract amount not to exceed \$240,000. (concerns the City's condemnation case) Funding in the amount of \$25,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Convention Center and funding in the amount of \$25,000 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy.

The motion authorizing the negotiation and execution of an amendment to an outside counsel contract was approved.

8. Authorize acceptance of grant funds in the amount of \$8,000 from the State of Texas Governor's Division of Emergency Management, Fiscal Year 2007 Emergency Management Performance Grant Program; and amend the Fiscal Year 2006-2007 Public Safety and Emergency Management Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$8,000 to improve the City of Austin's mitigation, preparedness, response, and recovery capabilities. Funding is available from the State of Texas, Governor's Division of Emergency Management. An in-kind match of \$122,000 is required and included in the Public Safety and Emergency Management Department Fiscal Year 2006-2007 Operating Budget. The grant period is October 1, 2006 to September 30, 2007. There is no unanticipated fiscal impact.

Ordinance No. 20070517-008 was approved.

9. Approve the naming of the Boggy Creek Pavilion located at 808 Nile Street adjacent to the Conley - Guerrero Senior Center to the "Conley Pavilion". Recommended by the Parks and Recreation Board.
The motion authorizing the naming of the Boggy Creek Pavilion to the Conley Pavilion was approved.
10. Authorize an Interlocal Agreement between the City of Austin and Travis County, in the amount of \$5,800 per month, for funding a sixth Forensic Chemist Full Time Employee who will perform drug analysis at the Austin Police Department Forensic Science Division Laboratory. Funding for a sixth forensic chemist will be provided by Travis County on a reimbursement basis at the rate of \$5,800 per month; compensation for partial months will be prorated.
The motion authorizing an interlocal agreement was approved.
11. Approve a resolution authorizing the fee simple acquisition of Lot 23, Block J, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 6908 Onion Crossing Court from Ruth A. Lowman for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$35,000 for the land and improvements and \$29,550 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$74,550. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20070517-011 was approved.
12. Approve a resolution authorizing the fee simple acquisition of Lot 5, Block H, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 6906 Onion Crossing Drive, from Emma C. Yocum for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$40,000 for the land and improvements and \$54,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$104,500. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20070517-012 was approved.
13. Approve a resolution authorizing the fee simple acquisition for the Austin Clean Water Program: Govalle 1- West of Lamar Area Wastewater Project for a temporary working space easement comprising 127 square-feet of land and a temporary ingress and egress easement comprising 22,806 square feet of land out of a portion of Lot 31, Block A, Wallingwood Section II-A P.U.D., a subdivision in Travis County, TX, located at 2800 Barton's Bluff Lane, from UDR Texas Properties, L.P., in an amount not to exceed \$52,200. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
Resolution No. 20070517-013 was approved.
14. Authorize execution of a construction contract with TURNKEY ENVIRONMENTAL, LLC, (MBE), Austin, TX, for the Old Austin Recreation Center Demolition Project in an amount not to exceed \$300,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Financial Administration Services Department. Lowest compliant bid of four bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 62.44% MBE and 1.64% WBE subcontractor participation. Recommended by the Historic Landmark Commission and the Parks and Recreation Board.
The motion authorizing the execution of a construction contract with Turnkey Environmental was approved.

15. Authorize execution of a construction contract with J.D. RAMMING PAVING CO., LTD., Austin, TX, for the 2007 Miscellaneous Streets Overlay Project in an amount of \$3,061,357.11 plus a \$153,067.86 contingency for a total contract amount not to exceed \$3,214,424.97. Funding in the amount of \$1,464,424.97 is available in Fiscal Year 2006-2007 Operating Budget of the Public Works Department. Funding in the amount of \$1,750,000 is available in Fiscal Year 2006-2007 Capital Budget of the Public Works Department. Lower of two bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals; 13% MBE and 15.77% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with J.D. Ramming Paving Co. was approved.
16. Authorize negotiation and execution of an amendment to the professional services agreement with CAMP DRESSER and MCKEE (CDM), (Non-WBE) Austin, TX, for the engineering and construction phase services for the FM 812 Landfill Erosion Control Project in the amount of \$213,837 for a total contract amount not to exceed \$927,811.54. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Solid Waste Services Department. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program), 5.93% MBE and 6.24% WBE subconsultant participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Camp Dresser and McKee (CDM) was approved.
17. Authorize negotiation and execution of an Interlocal Agreement between the City and Travis County for relocating existing water facilities as a part of the Howard Lane Improvements - Cameron Road to Dessau Road Project in an amount not to exceed \$1,000,000. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.
The motion authorizing the negotiation and execution of an interlocal agreement was approved.
18. Authorize award, negotiation, and execution of a contract with SIEMENS ENERGY & AUTOMATION, INC., DFW Airport, TX, for baggage handling system improvements and equipment installation at Austin-Bergstrom International Airport in an amount not to exceed \$1,306,312 plus a \$40,000 contingency, for a total contract amount not to exceed \$1,346,312. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Aviation Department. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this purchase. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the award, negotiation, and execution of a contract with Siemens Corporation, was approved.

Item 19 was pulled to be heard after the related Tax Increment Financing Board Meeting.

20. Authorize negotiation and execution of contracts with 18 underwriting firms, including 6 minority owned firms, to provide professional underwriting and negotiated refunding transaction services, each contract for a term of three-years with two 12-month extension options. (Services related to municipal bond sales.) Payment for underwriters will be made from the proceeds of each bond sale. Best 18 qualification statements of 28 responses received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of contracts with 18 underwriting firms was approved.

21. Approve the ratification of Amendment No. 1 to increase the contract amount with E.J. WARD, INC., San Antonio, TX, for the purchase of parts for the Radio Frequency Fueling System Program in an amount of \$86,860, for a revised total contract amount not to exceed \$281,570. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Financial and Administrative Services Department, Fleet Fund. Contract Amendment This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the ratification of amendment number 1 to increase the contract amount with E.J. Ward, Inc. was approved.**
22. Authorize award and execution of a 36-month requirements supply contract with GRAPHIC SOLUTIONS GROUP, Dallas, TX, to provide decals for vehicles in an estimated amount not to exceed \$229,723, with three 12-month extension options in an estimated amount not to exceed \$73,094 for the first extension option, \$76,748 for the second extension option, and \$80,586 for the third extension option, for a total estimated contract amount not to exceed \$460,151. Funding in the amount of \$31,906 is available in the Fiscal Year 2006-2007 Operating Budget of the Finance and Administrative Services Department, Fleet Services Fund. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest responsive bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements supply contract was approved.**
23. Authorize award and execution of a 24-month requirements service contract with LONGHORN CAR-TRUCK RENTALS, Austin, TX, to provide vehicle rental services in an estimated amount not to exceed \$800,000, with two 12-month extension options in an estimated amount not to exceed \$400,000 per extension option, for a total estimated contract amount not to exceed \$1,600,000. Funding in the amount of \$166,667 is available in the Fiscal Year 2006-2007 Operating Budget of the Finance and Administrative Services Department, Fleet Services Fund. Funding for the remaining 19 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements service contract with Longhorn Car-Truck Rentals was approved.**
24. Authorize award and execution of two contracts with the following vendors: LONGHORN INTERNATIONAL TRUCKS, LTD., Austin, TX for the purchase of 10 dump trucks in an amount not to exceed \$776,881, and BRIGGS EQUIPMENT, Austin, TX for the purchase of one terminal tractor in an amount not to exceed \$79,642.74. Funding in the amount of \$65,820 is available in the Fiscal Year 2006-2007 Operating Budget of the Aviation Department. Funding in the amount of \$153,578 is available in the Fiscal Year 2006-2007 Vehicle Acquisition Fund of the Financial and Administrative Services Department. Funding in the amount of \$557,483 is available in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility. Funding in the amount of \$79,642.74 is available in the Fiscal Year 2006-2007 Capital Budget of the Solid Waste Services Department. Lowest bidders of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. **The motion authorizing the award and execution of two contracts with the following vendors: Longhorn International Trucks, Ltd. and Briggs Equipment was approved.**

25. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with HOLT CAT, Austin, TX for the purchase of one high-lift wheeled loader in an amount not to exceed \$223,162. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Solid Waste Services Department. Cooperative purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Holt Cat was approved.

26. Authorize award and execution of a 12-month service contract with HOLT CAT, Austin TX, for the rental of a bulldozer for the Solid Waste Services Department in an amount not to exceed \$80,100, with two 12-month extension options in an amount not to exceed \$80,100 for each extension option, for a total contract amount not to exceed \$240,300. Funding in the amount of \$33,375 is available in the Fiscal Year 2006-2007 Operating Budget of the Solid Waste Services Department. Funding for the remaining seven months of the original contract and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program.) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a service contract with Holt Cat was approved.

27. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Waller Creek Citizen Advisory Committee</u>		
Ron Flores	Consensus Representing - Pecan Street Owners	Appointment

28. Approve an ordinance waiving certain development fees for Salvage Vanguard Theater in an amount not to exceed \$6066.50 for redevelopment of property located at 2803 Manor Road, Austin, TX. (Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez Council Member Brewster McCracken)
Ordinance No. 20070517-028 was approved.

Items 29 and 30 were pulled for discussion.

31. Approve a resolution directing the City Manager to initiate an amendment to Section 4.3.5 of Chapter 25-2, Subchapter E (Design Standards and Mixed Use) to do the following: (1) provide that a neighborhood that files an opt-in/opt-out application in accordance with the provisions of Section 4.3.5 may file an amendment to the application on or before the 45th day after the original filing date established in Section 4.3.5; and (2) delete the 45-day reference to Council action of an opt-in/opt-out application. (Council Member Brewster McCracken Council Member Mike Martinez Council Member Sheryl Cole)
Resolution No. 20070517-031 was approved.

32. Approve a resolution waiving the entry fee for Deep Eddy Pool for a free swim day on Saturday, June 2, 2007 as part of Deep Eddy's grand re-opening event. (Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell Council Member Mike Martinez)
Resolution No. 20070517-032 was approved.

33. Approve a resolution authorizing the use of Town Lake for water events to be held on May 21, 2007 associated with the annual Capital 2K open water swim and the Capital of Texas Triathlon. (Mayor Will Wynn Council Member Mike Martinez)
Resolution No. 20070517-033 was approved.
34. Approve waiver of certain park rental fees for the Equality Texas Pride Festival to be held at Waterloo Park on June 9, 2007. (Mayor Will Wynn Council Member Jennifer Kim Council Member Lee Leffingwell)
The motion authorizing the waiver of certain park rental fees for the Equality Texas Pride Festival was approved.
35. Approve waiver of Park rental fees and requirements for the 2007 Austin Fire Fighters Association's Annual Retirement Party to be held at Fiesta Gardens May 16, 2007. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Jennifer Kim)
The motion authorizing the waiver of park rental fees and requirements for the 2007 Austin Fire Fighters Association's Annual Retirement Party was approved.
36. Approve waiver of fees under Chapter 14 of the City Code and park rental fees for the Freescale Road to Austin: Live Music Capital of the World event to be held at Auditorium Shores on May 19, 2007. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole)
The motion authorizing the waiver of fees under Chapter 14 of the City Code and park rental fees for the Freescale Road to Austin was approved.
37. Set a public hearing to consider an ordinance authorizing the addition of new neighborhoods to the Restricted Front Yard Parking Area Map in accordance with Section 12-5-29 of the City Code. (Suggested date and time: May 24, 2007 at 6:00 p.m., Austin City Hall, 301 West Second Street, Austin, TX)
The public hearing was set for May 24, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.
38. Set a public hearing to consider an ordinance designating areas in which additional distance regulations will be applied to mobile food establishments. (Suggested date and time: May 24, 2007 at 6:00 p.m., Austin City Hall, 301 West Second Street, Austin, TX)
The public hearing was set for May 24, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street, Austin, Texas.
39. Set a public hearing to consider floodplain variances requested by Mr. Jeffry Russell to allow construction of a single-family residence at 8206 Sandalwood Cove in the 25-year and 100-year floodplains of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the proposed duplex. (Suggested date and time: May 24, 2007 at 6:00 p.m., Austin City Hall, 301 West 2nd Street, Austin, TX)
The public hearing was set for May 24, 2007 at 6:00 p.m., Austin City Hall, at 301 West 2nd Street, Austin, Texas.

Item 40 was a briefing item set for 10:30 a.m.

Items 41 through 45 were Executive Session items.

Item 46 was an action on executive session item.

Item 47 was a Tax Increment Financing Board #15 item set for 3:00 p.m.

Items 48 through 53 were zoning items set for 4:00 p.m.

Items 54 through 63 were public hearing items set for 6:00 p.m.

Item 64 was an addendum item from Public Works.

DISCUSSION ITEMS

29. Approve a resolution declaring the Council's intent to maintain ownership of approximately 2853 acres of land on FM 969 in eastern Travis County, Texas, and directing the City Manager to investigate the feasibility of using the property to provide public services and benefits. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell)
Resolution No. 20070517-029 was approved with additional directions to the City Manager on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote. The City Manager was directed to provide a public presentation as soon as more technical information about the site is available.
30. Approve a resolution opposing the expansion applications for both the Waste Management Community Landfill and the Allied BFI Landfill and work with Travis County and the Texas Commission on Environmental Quality in seeking and planning for permanent closure and enforcing operating standards at both landfills by November 1, 2015. (Council Member Lee Leffingwell Council Member Mike Martinez Council Member Sheryl Cole)
Resolution No. 20070517-030 was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Lynn Goodman-Strauss - Comforting the Sick in Austin, Texas

M.E.M. Taylor - Funding for the Historic African American. Was not present when their name was called.

Ural Jarmon - Culturing Differences. Was not present when their name was called.

Daniel Llanes - VMU/Affordable Housing

Susana Almanza - VMU - Just another gentrification/displacement too! 80% MFI for family of 4 = \$56,900 & 100% MFI for 4 = \$69,600, this is not affordable!! We don't need anymore Condos & Lofts for single people in East Austin!!! We need housing for the poor & working poor families!

Brad Rockwell spoke in place of Sheila Reiter and Dr. Jan Triplett- Northcross Re-Development

Audley Blackburn - Northcross Re-Development

Pat Johnson - The Men and Women of the Austin Police Department

Deborah Femat - Wal-Mart Northcross Site Plan. Was not present when their name was called.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:40 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

41. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071)
42. Discuss legal issues concerning development at Northcross Mall. (Private Consultation with Attorney - Section 551.071)
This item was withdrawn.
43. Discuss legal issues regarding the City's Minority-Owned and Women-Owned Business Enterprise Program (MBE/WBE), including the availability and disparity study of minority-owned and women-owned businesses. (Private Consultation with Attorney - Section 551.071)
44. Discuss legal issues related to City of Austin v. Harry M. Whittington, et al.; Cause No. 2403, in the County Court at Law No. 1, Travis County, Texas. (concerns the City's condemnation case) (Private Consultation with Attorney - Section 551.071)
45. Discuss legal issues relating to Cause No. C-1-CV-06-005508; James Harper d/b/a James Harper Landscaping v. Rodriguez Barr, Inc. d/b/a The Barr Company, and the City of Austin, In the County Court at Law No. 2, Travis County, Texas. (concerns the Caswell Tennis Courts construction project) (Private Consultation with Attorney - Section 551.071) (Related to Item #46)

Executive Session ended at 1:53 p.m.

Mayor Wynn called the Council Meeting back to order at 2:09 p.m.

ACTION ON EXECUTIVE SESSION

46. Approve settlement in Cause No. C-1-CV-06-005508; James Harper d/b/a James Harper Landscaping v. Rodriguez Barr, Inc. d/b/a The Barr Company, and the City of Austin, In the County Court at Law No. 2, Travis County, Texas (concerns the Caswell Tennis Courts construction project). (Related to item #45)
The motion authorizing the settlement in the amount of \$60,000 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais.

DISCUSSION ITEMS CONTINUED

64. Approve an ordinance on third reading awarding a franchise to operate a taxicab service in the City, pursuant to Section 13-2-309(C) of the City Code; and waiving the provisions of Section 13-2-309(B) of the City Code pertaining to the maximum number of permits which may be allocated to a franchise applicant.
Ordinance No. 20070517-064, awarding the franchise to Lone Star Cab, was approved on Council Member Martinez' motion, Council Member Kim's second on a 7-0 vote.

BRIEFING

40. Presentation from the Affordable Housing Incentive Task Force
The presentation was made by Kristen Vassallo, Chief of Staff; Frank Fernandez, Co-Chair of the Affordable Housing Incentive Task Force; Tim Taylor, Co-Chair of the Affordable Housing Incentive Task Force; and Paul Hilgers, Director of Housing and Community Development.

TAX INCREMENT FINANCING BOARD #15

Mayor Wynn called the Board of Director's Meeting of the Tax Increment Financing Board to order at 3:54 p.m. See separate minutes.

47. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of The Tax Increment Financing (TIF) Board #15. Following adjournment of the TIF Board meeting the City Council will re-convene (See attached agenda).

Mayor Wynn called the Council Meeting back to order at 3:56 p.m.

DISCUSSION ITEMS CONTINUED

19. Authorize award and execution of a 24-month requirements service contract with EAGLE HYDRO BLAST, Pflugerville, TX, for hardscape and paver maintenance services in Tax Increment Financing Reinvestment Zone #15, consisting of Blocks 2 (Silicon Labs), Block 3 (City Hall), Block 4 (CSC), and Block 21 (Stratus), in an estimated amount not to exceed \$183,270, with two 12-month extension options in an estimated amount not to exceed \$91,635 per extension option, for a total estimated contract amount not to exceed \$366,540. Funding in the amount of \$517 is available in the Fiscal Year 2006-2007 Operating Budget of the Finance and Administrative Services Department, Building Services Division. Funding in the amount of \$30,028 is available in the Tax Increment Financing Fund for Tax Increment Financing Reinvestment Zone #15. Funding for the remaining 20 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest responsive bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. To be reviewed by the Tax Increment Financing Board on May 17, 2007.
The motion authorizing the award and execution of a requirements service contract with Eagle Hydro Blast was approved on Council Member Martinez' motion, Council Member McCracken's second on a 6-0 vote. Council Member was Cole off the dais.

Mayor Wynn recessed the Council Meeting at 3:57 p.m.

Mayor Wynn called the Council Meeting back to order a 4:20 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote except on Item No. 50. (See below)

48. C12M-07-0001(RCA) - Camden Property - Conduct a public hearing and approve a restrictive covenant amendment to allow multi-family use for the property located at State Farm Way at West Parmer Lane (Lake Creek Watershed). Staff Recommendation: To approve the restrictive covenant amendment to allow multi-family use. Planning Commission Recommendation: To approve the restrictive covenant

amendment to allow multi-family use. Applicant: North Austin Utility District No. 1. Agent: Bury+Partners (Melissa Matthiesen). City Staff: Robert Heil, 974-2330.

This item was postponed to May 24, 2007 at the applicant's request.

49. C14-06-0236 - 13201 Pond Springs Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13201 Pond Springs Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Applicant: Priesmeyer Family, L.P. (Victoria Priesmeyer). Agent: Vincent Gerard & Associates (Vince Huebinger). City Staff: Tina Bui, 974-2755.
Ordinance No. 20070517-049 for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2 for was approved.
50. C14H-07-0001 - Shelby-Matthews-Bergquist House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2705 Oakhurst Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Landmark Commission Recommendation: To grant family-residence-historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Applicants: Fred and Anne Dure. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20070517-050 for family residence-historic (SF-3-H) combining district zoning was approved. Mayor Pro Tem Dunkerley voted no.
51. C14-06-0188 - Parker Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406-1506 Parker Lane (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Staff Recommendation: To deny multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Applicant: J. Ryan Dinepenbrok, Julia Schleber, Michael Hackett and Bryant Colman. Agent: Sergio Lozano-Sanchez (LOC Consulting). City Staff Robert Heil, 974-2330.
This item was postponed to June 7, 2007 at the Council's request.
52. C14-07-0011 - Lamar/Manchaca Mixed Use - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2711-2715 South Lamar and 2803-2901 Manchaca (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning to permit Vertical Mixed use on the site. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning to permit Vertical Mixed use on the site. Planning Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning to permit Vertical Mixed use on the site. Applicant: Alexander Madison Land Co. (Robert Watts); JBS Holdings, L.P. (Winston Krause). Agent: Drenner & Golden Stuart Wolff (Michele Rogerson). City Staff: Robert Heil, 974-2330.
This item was postponed to May 24, 2007 at the agent's request.

LIVE MUSIC

Bocastria

PROCLAMATIONS

Distinguished Service Award -- Mexican American Cultural Committee and Certificates of Appreciation -
- Artists Carlos Pineda and Steve Herrera for the Que Vivan Los 25! Banner Project -- to be presented by Mayor Will Wynn and to be accepted by the honorees.

Certificate of Appreciation -- Solid Waste Services' first WasteSMART Partner -- to be presented by Mayor Will Wynn and to be accepted by the Green Team from Silicon Laboratories

Proclamation -- Prenatal Care Awareness Day -- to be presented by Mayor Will Wynn and to be accepted by David Lurie and Vanessa Metzger

Proclamation -- 30th Annual O. Henry Pun-Off -- to be presented by Mayor Will Wynn and to be accepted by Deborah Rosenquist and Marshall Jones

Proclamation -- EMS Week -- to be presented by Council Member Lee Leffingwell and to be accepted by Ernie Rodriguez

Proclamation -- Shudde Fath Day -- to be presented by Council Member Lee Leffingwell and to be accepted by the honoree **This item was postponed to June 21, 2007.**

Proclamation -- Theatre Action Project Day -- to be presented by Council Member Mike Martinez and to be accepted by Karen LaShelle

ZONING DISCUSSION ITEM

53. C14-07-0013 - Caswell Lofts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2205 North Lamar Boulevard and 2209 Shoal Creek Boulevard (Shoal Creek Watershed) from general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to change a condition of zoning. Applicant: Caswell Lofts, LP (Allen Cowden). Agent: Smith, Robertson, Elliott, Glen, Klein (David Hartman). City Staff: Jorge E. Rousselin, 974-2975.

The public hearing was closed on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.

The first reading of the ordinance for general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to change a condition of zoning with a 2,000 trip per day limitation was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

55. Conduct a public hearing regarding a proposed strategic partnership agreement (SPA) between the City and Lost Creek Municipal Utility District (MUD) (approximately 788 acres located in Travis County west of Capital of Texas Highway west of the intersection of Lost Creek Boulevard and Capital of Texas Highway).
The public hearing was closed on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.
56. Conduct a public hearing to amend Section 25-8-514(A) of the City Code, grant a waiver to Section 25-8-213(D) of the City Code, and grant variances to Sections 25-8-65, 25-8-301, 25-8-341, 25-8-342, and 25-8-454 of the City Code to allow construction of the Westbank Community Library facility and parking at the intersection of Bee Caves Road and Cuernavaca Drive. This action requires a site-specific amendment of the Save Our Springs Initiative and concerns property in the Barton Springs Zone. Recommended by the Planning Commission and the Environmental Board, with conditions.
The public hearing was closed and Ordinance No. 20070517-056 limiting the use to a library was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.
57. Conduct a public hearing to amend Section 25-8-514(A) of the City Code, grant a waiver of Section 25-8-213(D) of the City Code, and grant a variance to Section 25-8-483 of the City Code to allow construction of the Zion Rest Baptist Church facility and parking at 3341 Paisano Trail. This action requires a site-specific amendment of the Save Our Springs Initiative and concerns property in the Barton Springs Zone. Recommended by the Planning Commission and the Environmental Board, with conditions.
The public hearing was closed and Ordinance No. 20070517-057 was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.
58. Conduct a public hearing for the full purpose annexation of the following areas: (1) Avery Ranch Area, Group 3: (a) Tract One: approximately one acre in Williamson County south of Brushy Creek and east of Parmer Lane; (b) Tract Two: approximately 185 acres in Williamson County south of Brushy Creek and west of Parmer Lane; (c) Tract Three: approximately 30 acres in Williamson County south of Avery Ranch Boulevard and west of Parmer Lane; (d) Tract Four: approximately 19 acres in Williamson County south of the intersection of Avery Ranch Boulevard and Staked Plains Drive; and (2) Avery Ranch Blvd Area (approximately 5 acres in Williamson County including Avery Ranch Boulevard right-of-way approximately 800 feet east of the intersection of Avery Ranch Boulevard and US-183A).
The public hearing was closed on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
59. Conduct a public hearing for the full purpose annexation of the Dakota Springs Area (approximately 102 acres in Travis County south of Frate Barker Road at the intersection of Frate Barker Road and Brodie Lane).
The public hearing was closed on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.
60. Conduct a public hearing for the full purpose annexation of the Goodnight Ranch North Area (approximately 239 acres in southern Travis County north of the proposed Slaughter Lane extension, approximately 680 feet east of the intersection of Slaughter Lane and Old Lockhart Road).
The public hearing was closed on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.

62. Conduct a public hearing for the full purpose annexation of the Sweetwater Glen Area (approximately 90 acres in Travis County east of Manchaca Road, approximately 1,070 feet south of the intersection of Slaughter Lane and Manchaca Road).
The public hearing was closed on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.
61. Conduct a public hearing for the full purpose annexation of the IH-35 Service Road Right-of-Way at FM 1327 Area (approximately 17 acres in southern Travis County at the intersection of IH-35 and FM 1327).
The public hearing was closed on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.
63. Conduct a public hearing on the full purpose annexation of the US 290 East/Ed Bluestein Right-of-Way Area (approximately 16.32 acres in Travis County southeast of the intersection of US 290 East and Ed Bluestein).
The public hearing was closed on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.
54. Conduct a public hearing to receive citizen comments on the following: (1) the Annual Draft Action Plan Fiscal Year 2007-2008, required by the U.S. Department of Housing and Urban Development (HUD); and (2) Texas Local Government Code Chapter 373 Community Development 2007-2008 Program, including proposed funding allocations for Fiscal Year 2007-2008.
The public hearing was closed on Council Member Martinez' motion, Council Member McCracken's second on a 6-0 vote. Council Member Leffingwell was off the dais.

Mayor Wynn adjourned the meeting at 8:12 p.m. without objection.

The minutes for the Regular Meeting of May 17, 2007 were approved on this the 24th day of May, 2007 on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was absent.